

SECOND REGULAR SESSION

[P E R F E C T E D]

# SENATE BILL NO. 958

94TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR GOODMAN.

Read 1st time January 16, 2008, and ordered printed.

Read 2nd time January 22, 2008, and referred to the Committee on Commerce, Energy and the Environment.

Reported from the Committee February 14, 2008, with recommendation that the bill do pass.

Taken up for Perfection February 26, 2008. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

3859S.02P

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## AN ACT

To repeal section 537.340, RSMo, and to enact in lieu thereof one new section relating to tree trimming.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 537.340, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 537.340, to read as follows:

537.340. 1. If any person shall cut down, injure or destroy or carry away any tree placed or growing for use, shade or ornament, or any timber, rails or wood standing, being or growing on the land of any other person, including any governmental entity, or shall dig up, quarry or carry away any stones, ore or mineral, gravel, clay or mold, or any ice or other substance or material being a part of the realty, or any roots, fruits or plants, or cut down or carry away grass, grain, corn, flax or hemp in which such person has no interest or right, standing, lying or being on land not such person's own, or shall knowingly break the glass or any part of it in any building not such person's own, the person so offending shall pay to the party injured treble the value of the things so injured, broken, destroyed or carried away, with costs. Any person filing a claim for damages pursuant to this section need not prove negligence or intent.

2. Notwithstanding the provisions of subsection 1 of this section, the following rules shall apply to the trimming, removing, and controlling of trees and other vegetation by any electric supplier:

(1) Every electric supplier that operates electric transmission or distribution lines shall have the authority to maintain the same by trimming, removing, and controlling trees and other vegetation posing

19 a hazard to the continued safe and reliable operation thereof;

20 (2) An electric supplier may exercise its authority under  
21 subdivision (1) of this subsection if the trees and other vegetation are  
22 within the legal description of any recorded easement or, in the  
23 absence of a recorded easement, the following:

24 (a) Within ten feet, plus one-half the length of any attached  
25 crossarm, of either side of the centerline of electricity lines potentially  
26 energized at or below 34.5 kilovolts measured line to line and located  
27 within the limits of any city; or

28 (b) Within thirty feet of either side of the centerline of electricity  
29 lines potentially energized at or below 34.5 kilovolts measured line to  
30 line and located outside the limits of any city; or

31 (c) Within fifty feet of either side of the centerline of electricity  
32 lines potentially energized between 34.5 and one hundred kilovolts  
33 measured line to line; or

34 (d) Within the greater of the following for any electricity lines  
35 potentially energized at one hundred kilovolts or more measured line  
36 to line:

37 a. Seventy-five feet to either side of the centerline; or

38 b. Any required clearance distance adopted by either the Federal  
39 Energy Regulatory Commission or an Electric Reliability Organization  
40 authorized by the Energy Policy Act of 2005, 16 U.S.C. Section 824o.  
41 Such exercise shall be considered reasonable and necessary for the  
42 proper and reliable operation of electric service and shall create a  
43 presumption that the electric supplier acted with reasonable care,  
44 operated within its rights regarding the operation and maintenance of  
45 its electricity lines, and has not committed a trespass;

46 (3) An electric supplier may trim, remove, and control trees and  
47 other vegetation outside the provisions in subdivision (2) of this  
48 subsection if such actions are necessary to maintain the continued safe  
49 and reliable operation of its electric lines;

50 (4) An electric supplier may secure from the owner or occupier  
51 of land greater authority to trim, remove, and control trees and other  
52 vegetation than the provisions set forth in subdivision (2) of this  
53 subsection and may exercise any and all rights regarding the trimming,  
54 removing, and controlling of trees and other vegetation granted in any  
55 easement held by the electric supplier;

56           (5) An electric supplier may trim or remove any tree of sufficient  
57 height outside the provisions of subdivision (2) of this subsection when  
58 such tree, if it were to fall, would threaten the integrity and safety of  
59 any electric transmission or distribution line and would pose a hazard  
60 to the continued safe and reliable operation thereof;

61           (6) Prior to the removal of any tree under the provisions of  
62 subdivision (5) of this subsection, an electric supplier shall notify the  
63 owner or occupier of land, if available, at least fourteen days prior to  
64 such removal unless either the electric supplier deems the removal to  
65 be immediately necessary to continue the safe and reliable operation  
66 of its electricity lines, or the electric supplier is trimming or removing  
67 trees and other vegetation following a major weather event or other  
68 emergency situation;

69           (7) If any tree which is partially trimmed by an electric supplier  
70 dies within three months as a result of said trimming, the owner or  
71 occupier of land upon which the tree was trimmed may request in  
72 writing that the electric supplier remove said tree at the electric  
73 supplier's expense. The electric supplier shall respond to such request  
74 within ninety days;

75           (8) Nothing in this subsection shall be interpreted as requiring  
76 any electric supplier to fully exercise the authorities granted in this  
77 subsection.

78           3. For purposes of this section, the term "electric supplier" means  
79 any rural electric cooperative that is subject to the provisions of  
80 chapter 394, RSMo, and any electrical corporation which is required by  
81 its bylaws to operate on the not-for-profit cooperative business plan,  
82 with its consumers who receive service as the stockholders of such  
83 corporation, and which holds a certificate of public convenience and  
84 necessity to serve a majority of its customer-owners in counties of the  
85 third classification as of August 28, 2003.

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